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December 2, 2020

The Honorable Jed S. Rakoff
United States District Court
Southern District of New York
500 Pearl Street
New York, NY 10007

Re: *United States v. Weigand & Akhavan*, 20 cr. 188

Dear Judge Rakoff:

On behalf of Ruben Weigand, a defendant in the above-captioned case, we write to advise the Court that Mr. Weigand does not consent to the exclusion of time under the Speedy Trial Act between December 1, 2020 and January 15, 2021.

On April 28, this Court set a trial date of December 1, noting that “barring truly extraordinary circumstances that date [would] not be extended because that is much longer than [the Court] would normally give.” ECF No. 30 at 12:6–10. On September 3, at a bail hearing for Mr. Akhavan, this Court described the December 1 trial date as “firm, fixed, final, and unmovable” Tr. at 8:25–9:2. However, on November 5, the December 1 trial date was adjourned because of an announcement by the Chief Judge that no trials would occur within two weeks of a major holiday for public health reasons. As of the date of this filing, a new trial date has not been set.

Since his arrest, Mr. Weigand has faced considerable hardship. On March 9, 2020, Mr. Weigand was arrested at Los Angeles International Airport during a layover and subsequently detained at the Santa Ana City Jail in Orange County, California, pending trial. *See* ECF No. 26-1 at 4. Given Mr. Weigand’s diagnosed sleep apnea, concern about potentially severe consequences of exposure to the virus while in prison were acute. In addition, during the six months he was detained in Santa Ana City Jail, Mr. Weigand required hospitalization and surgery for a gallbladder condition. *See* ECF No. 98-1 at 5.

On October 5, 2020, after multiple bail applications, this Court ordered Mr. Weigand’s release on bail, subject to stringent conditions, including the requirement that he pay for armed security. ECF No. 112 at 6–8. Mr. Weigand is a German national with no family in the United States. Due to coronavirus-related travel restrictions, his family has been unable to visit him.

Discovery has been completed and pre-trial motions decided. Given these circumstances, Mr. Weigand does not consent to further exclusions of time under the Speedy Trial Act.



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Respectfully Submitted,

Michael J. Gilbert

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CC (via ECF): AUSA Christopher J. DiMase
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AUSA Nicholas S. Folly